



**International PEN
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Submission on the State of Eritrea

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International PEN welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the human rights situation in the State of Eritrea, about which it has had serious concerns for a number of years. This document provides an overview of the current situation of writers, particularly print journalists, and examples of specific cases of individuals whose right to freedom of expression and other basic rights have been severely restricted.

1. Overview of free expression situation

In theory the right to freedom of expression is guaranteed in Eritrea under the 1997 national constitution as well as international law. In 2002, Eritrea acceded, without reservations, to the International Covenant on Civil and Political Rights, Article 19 of which guarantees freedom of expression and opinion. As a member of the African Union, Eritrea is also party to the African Charter on Human and Peoples' Rights, Article 9 of which protects the right to information and free expression.

However, the reality is very different. Since gaining independence from Ethiopia in 1993, President Isaias Afewerki has ruled Eritrea as a one-party state. Elections promised for 1997 were never held, democratic reforms did not materialize and expression of dissent is stifled. Eritrea is the only country in Africa to have no privately owned news media, its incipient private press, including eight independent newspapers, having been closed down indefinitely as part of a wider crackdown on dissent in September 2001, just days after the 9/11 terrorist attacks in the United States. All media is now state controlled and more journalists are imprisoned in Eritrea than in any other African country.

The absence of an independent national media, the strict controls imposed on the few foreign correspondents present in Ashmara and the barring of human rights investigators from the country mean that it is extremely difficult to obtain information about Eritrea, including the situation and health of its prisoners. The Eritrean government has consistently refused to disclose any information about the detainees or to respond to allegations to allegations that a number of them have died in detention.

2. Long-term incommunicado detention without trial

In the days following 18 September 2001, known as “Black Tuesday”, at least 10 journalists from the private press and 11 former members of the government were rounded up and detained. To this day, at least five print journalists and all 11 of the politicians remain imprisoned, incommunicado and without formal charges or trial. (Four other journalists have reportedly died in custody - see Section 4 below for details). International PEN believes that these detainees are being punished for the peaceful expression of their views in writing.

In the case of the journalists, the authorities variously denied that a clampdown had taken place, claiming instead that they had been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity, or were carried out because of the newspapers’ failure to comply with laws covering media licences. However, it is thought that a more likely explanation is that the crackdown was an attempt to stamp out political dissent, particularly criticism of the government and its prosecution of the war against Ethiopia, in the run up to elections scheduled for December 2001, which were subsequently cancelled. All the journalists detained have had their bank accounts frozen and assets confiscated. In April 2003, President Afewerki stated that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division and were “spies”, while in 2006 a presidential spokesperson said they had acted against the interests of the state. No evidence has been provided to substantiate these claims. In May 2007, the African Commission on Human and People’s Rights of the African Union ruled that the detention of the five journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees. However, the Eritrean government is yet to comply.

The 11 former government members who were also imprisoned in September were accused of uncorroborated allegations of “treason”. However their imprisonment apparently stemmed from their publication of an open letter critical of the government addressed to members of the ruling People’s Front for Democracy and Justice (PFDJ) party in May 2001. All were members of the so-called G-15, a group of 15 PFDJ senior officials who signed the letter.

3. Ill treatment and torture in detention

Initially held at a police station in Ashmara, the journalists were transferred to prisons in secret locations in early 2002 after demanding to be put on trial. Since then the government has refused to divulge any information about the prisoners’ whereabouts, legal status or health. According to some unofficial sources, however, in 2008 the journalists were being held at the notorious Eiraeiro prison near Gahtelay.

An example of the poor prison conditions suffered by the detained journalists is the case of Dawit Isaac, who has Swedish citizenship and who has been twice been released from prison on health grounds. Most recently, on 11 January 2009, Isaac was reportedly transferred to a military hospital operated by the Eritrean Air Force, where he was said to be receiving medical treatment for an unspecified condition. It was not known where he was being held and no one can visit him. The move apparently followed his transfer in

December 2008 to a maximum-security prison in Embatkala, 35km northeast of Asmara, which is said to have one of the harshest regimes in the country. Isaac was previously released for a medical check-up in November 2005 following pressure by groups in Sweden but he was returned to prison two days later with no explanation.

Given the reports about Isaac's health and the four reported deaths (see Section 4 below), there are serious concerns for all the prisoners' health and well being. Detainees are denied family visits, are believed to be denied access to medical treatment and it is thought that many are being held in harsh conditions and subjected to torture or cruel, inhumane or degrading treatment of punishment.

4. Reported deaths in custody

Four of the journalists who were arrested in September 2001 reportedly died in custody between 2005 and early 2007: **Said Abdelkader, Medhanie Haile, Yusuf Mohamed Ali** and **Fesshaye Yohannes "Joshua"**. Their deaths were attributed to harsh conditions and lack of medical attention. Some sources indicate that that Yohannes had been in poor health for some time and been tortured prior to his death, including having his fingernails ripped out. These reports remain unconfirmed due to lack of information, but in the absence of denial by the Eritrean authorities they are widely believed to be true.

5. Recommendations

International PEN calls on the Eritrean government to:

- Release immediately and unconditionally all persons held solely for the practice of their right to freedom of expression;
- Uphold its commitments to the International Covenant on Civil and Political Rights, notably Article 19 guaranteeing the right to freedom of expression by ending the imprisonment of writers and journalists, and allowing the re-establishment of an independent media;
- Bring to an end the practice of withholding details of detainees' places of detention, allowing them access to their families and legal counsel, and ensuring access to medical treatment;
- Provide a verifiable response to allegations that at least four journalists have died in detention; and if the reports of their deaths are correct, to ensure a prompt, full and impartial investigation is carried out and those responsible are brought to justice